

**TRANSPORTATION RULES  
OF  
DEPARTMENT OF MOTOR VEHICLE SAFETY**

**CHAPTER 1  
ORGANIZATION**

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**1-1 Organization, In General.**

The Commercial Vehicles and Compliance (CVC) Section of the Department has oversight for the enforcement of the statutory provisions and rules and regulations governing carriers as defined in O.C.G.A. §§ 46-1-1, 44-1-13, and 46-7-1 et seq.

Specifically, the CVC Section's duties include but are not limited to:

- a) Scheduling public hearings;
- b) Conducting audits of carrier's books, to ensure compliance with rules and regulations;
- c) Maintaining all official orders, books, files, and records;
- d) Investigating complaints against carriers;
- e) Establishing reasonable rates, charges, and fares;
- f) Inspecting facilities;
- g) Recommending and imposing civil penalties on carriers who violate applicable law and rules and regulations;
- h) Consideration of issuance of certificates of public convenience and property permits; and
- i) Consideration of issuance of nonconsensual towing authority.

Authority: O.C.G.A. §46-1-1; 46-7-1 et seq.; 44-1-13

**1-2 Commercial Vehicles and Compliance Unit**

**(1) Director of Commercial Vehicles and Compliance Section**

Subject to the direction of the Commissioner, the Director of Commercial Vehicles and Compliance Section has the responsibility for the direction and coordination of the activities of the CVC section staff in accordance with the rules and regulations established by the Commissioner.

Authority : O.C.G.A. §40-16-4

**(2) Executive Secretary**

Subject to the direction of the Commissioner, the Executive Secretary is responsible for recording all appearances at public hearings of the Department; maintaining all books, files and records of the Department; preparing, or reviewing and co-signing with the Hearing Officer(s) all Department orders; assigning matters for hearing; recording all Department hearing decisions in the Official Book of Minutes; certifying copies of Department documents and records; handling administrative details of office management, including routing of Department correspondence to proper department heads and the Commissioner; receiving and routing all petitions and complaints for disposition as directed by the Commissioner; and maintaining mailing lists and publications of all matters assigned for public hearing before the Department.

Authority : O.C.G.A. §40-16-4

**(3) Official Reporter**

The Official Reporter shall record and keep a complete record of all proceedings and evidence of matters heard before the Hearing Officer(s) at public hearings, and have transcribed copies thereof available for the Commissioner and parties of record when requested.

Authority : O.C.G.A. §40-16-4

**1-3 Hearings****(1) Administrative Hearing Officers**

The Commissioner, may through Administrative Order, appoint administrative hearing officers to preside over matters which are not subject to the Georgia Administrative Procedures Act. Hearing Officer(s) shall be authorized to conduct hearings and perform the following functions in conjunction therewith: administer oaths and affirmations, sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set the time and place for continued hearings, and fix the time for filing briefs; dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other grounds; dispose of motions to amend or to intervene; provide for the taking of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the agency or the hearing officer.

Authority : O.C.G.A. §40-16-4

**(2) Public Hearings**

Public hearings held pursuant to O.C.G.A. §§ 46-7-7, 46-7-10, 46-7-33, and 46-7-85.13 will generally be conducted at 2206 East View Parkway, Conyers, Georgia 30013, although the Department is authorized to hold hearings in different parts of the State when it is deemed necessary to best serve the interest and convenience of the public. All evidence presented at public hearings is recorded by the Official Reporter of the Department. All hearing records of the Department are open to public inspection.

Authority : O.C.G.A. §§ 46-7-7; 46-7-10 ; 46-7-33; 46-7-85.13; 46-7-5 ; 46-2-91; 46-2-94

**1-4 Enforcement Personnel**

Personnel of the Department who have been designated, deputized and delegated police powers as provided for in O.C.G.A. §§ 40-16-2 and 46-11-6 and law enforcement officers specifically designated by the Commissioner as provided for in O.C.G.A. § 40-16-2 have the authority to:

(a) Stop and inspect all motor vehicles using the public highways for the purposes of determining if said vehicles are complying with the laws, rules, or regulations of the Department or other laws regulating the use of the public highways by motor vehicles;

(b) Enter upon any property where motor vehicles subject to the Department's jurisdiction are housed, kept, or maintained for the purpose of inspecting or examining such vehicles in order to determine if such are complying with the laws of the state and rules or regulations of the Department;

(c) Enter upon property where carrier records, including but not limited to, driver qualification and training documents, driver's licenses, records of duty status, hours of service records, inspection reports, shipping documents, leases, permits, vehicle registrations, insurance documents, and any supporting documents thereto, are kept or stored for the purpose of examining such documents to determine whether persons subject to the Department's jurisdiction have complied and are complying with the laws of the state and rules or regulations of the Department;

(d) Examine vehicles, including but not limited to, cargo and compartments where cargo or equipment and supplies may be carried, driver's compartments, sleeper berths, and baggage compartments;

(e) Examine documents normally carried on board such vehicles, including but not limited to, driver qualification and training documents, drivers' licenses, records of duty status, hours of service records, inspection reports, shipping documents, leases, permits, vehicle registrations, insurance documents, and any supporting documents thereto;

(f) Take other actions as necessary, and within the limits of applicable state law, to carry out the duties assigned by the Commissioner with respect to persons under the jurisdiction of the Department.

Authority: O.C.G.A. §§ 40-16-2; 46-11-6